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19 **UNITED STATES DISTRICT COURT**

20 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

21 MICHAEL LAVIGNE, *et al.*,

22 Plaintiffs,

23 vs.

24 HERBALIFE LTD., *et al.*,

25 Defendants.

CASE NO. 2:18-cv-07480-JAK (MRWx)

[Related Case 2:13-cv-02488-BRO-RZ]

**JOINT REPORT PURSUANT TO  
FEBRUARY 26, 2020 ORDER**

Assigned to Hon. John A. Kronstadt,  
Courtroom 10B

1 Pursuant to the Court's Order of February 26, 2020 (Dkt. 261), Defendant  
2 Herbalife International of America, Inc. ("Herbalife") and Plaintiffs Patricia Rodgers,  
3 Jeff Rodgers, Izaar Valdez, and Jennifer Ribalta ("Plaintiffs"), by and through their  
4 respective counsel of record, hereby submit the following Joint Report regarding what  
5 dates should be adopted for future pre-trial proceedings in this matter following the  
6 issuance of the orders on both Herbalife's Motion to Dismiss ("Herbalife's Motion"  
7 (Dkt. 208)) and Plaintiffs' Motion for Class Certification ("Plaintiffs' Motion" (Dkt.  
8 207)).

9 The parties have met and conferred regarding the case schedule following the  
10 issuance of the Court's orders on both Herbalife's Motion and Plaintiffs' Motion. The  
11 parties have agreed that the deadlines in the operative Scheduling Order (Dkt. 260)  
12 should be extended for a set period of time after the Court has issued a ruling on both  
13 motions. The parties disagree only as to the length of this extension.

14 Herbalife proposes that the first deadline in the operative Scheduling Order (for  
15 initial expert disclosures) be extended until 30 days after the Court has issued an order  
16 on both Herbalife's Motion and Plaintiffs' Motion, and that each of the remaining  
17 dates in the operative Scheduling Order likewise be extended for a commensurate  
18 period of time. Plaintiffs propose that the first deadline in the operative Scheduling  
19 Order (for initial expert disclosures) be extended until 60 days after the Court has  
20 issued an order on both Herbalife's Motion and Plaintiffs' Motion, and that each of  
21 the remaining dates in the operative Scheduling Order likewise be extended for a  
22 commensurate period of time.

23 In either case, the parties have agreed that they will meet and confer after the  
24 Court issues its rulings on both Herbalife's Motion and Plaintiffs' Motion to  
25 determine whether, in light of the substance of the Court's rulings on the pending  
26 motions, they believe that further amendments to the schedule are warranted.

27 The parties' proposed schedules are set for the below.  
28

Event	Current Date	Herbalife's Proposal	Plaintiffs' Proposal
Hearing on motion to dismiss and motion for class certification	February 24, 2020, at 8:30 a.m.	Unchanged	
Initial Expert Disclosures	March 13, 2020	<b>30 days</b> after the Court has issued an order on both Herbalife's Motion and Plaintiffs' Motion	<b>60 days</b> after the Court has issued an order on both Herbalife's Motion <sup>1</sup> and Plaintiffs' Motion
Rebuttal Expert Disclosures	March 27, 2020	14 days after Initial Expert Disclosures deadline	
Expert Discovery Cut-Off	April 13, 2020	31 days after Initial Expert Disclosures deadline	
Last day to File All Motions (including discovery motions)	March 23, 2020	10 days after Initial Expert Disclosures deadline	
Last day to participate in a settlement conference / mediation	April 14, 2020	32 days after Initial Expert Disclosures deadline	
Last day to file notice of settlement / joint report re settlement	April 17, 2020	35 days after Initial Expert Disclosures deadline	
Post Mediation Status Conference	April 27, 2020 at 11:30 a.m.	45 days after Initial Expert Disclosures deadline, at 11:30 a.m.	

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<sup>1</sup> Plaintiffs reserve the right to seek additional fact discovery upon receipt of Herbalife's Answer and Affirmative Defenses.

1        *Local Rule 5-4.3.4(a)(2)(i) Compliance: Filer attests that all other signatories*  
2 *listed concur in the filing's content and have authorized this filing.*

3 DATED: March 5, 2020

4 Mark Migdal & Hayden

5 By:           /s/ Etan Mark          

6 Etan Mark

7 Attorneys for Plaintiffs Jeff Rodgers,  
8 Patricia Rodgers, Jennifer Ribalta, and Izaar  
9 Valdez

10 DATED: March 5, 2020

11 Mark T. Dooks

12 Paul S. Chan

13 Gopi K. Panchapakesan

14 Jonathan M. Jackson

15 Bird, Marella, Boxer, Wolpert, Nessim,  
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17 By:           /s/ Jonathan M. Jackson          

18 Jonathan M. Jackson

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